

1 MARK D. FOWLER (Bar No. 124235)  
mark.fowler@dlapiper.com  
2 DAVID ALBERTI (Bar. No. 220625)  
david.alberti@dlapiper.com  
3 CHRISTINE K. CORBETT (Bar No. 209128)  
christine.corbett@dlapiper.com  
4 YAKOV M. ZOLOTOREV (Bar No. 224260)  
yakov.zolotorev@dlapiper.com  
5 CARRIE L. WILLIAMSON (Bar No. 230873)  
carrie.williamson@dlapiper.com

6 DLA PIPER US LLP  
7 2000 University Avenue  
East Palo Alto, CA 94303-2215  
8 Tel: 650.833.2000  
Fax: 650.833.2001

9 Attorneys for Defendant and Counterclaimant  
10 Sun Microsystems, Inc.

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 NETWORK APPLIANCE, INC.,  
15 Plaintiff - Counterclaim  
16 Defendant,  
17 v.  
18 SUN MICROSYSTEMS, INC.,  
19 Defendant -  
20 Counterclaimant.

CASE NO. 3:07-CV-06053 EDL

**[PROPOSED] ORDER GRANTING SUN  
MICROSYSTEMS, INC.'S *EX PARTE*  
APPLICATION TO SHORTEN TIME FOR  
HEARING ON SUN'S MOTION FOR  
PARTIAL STAY OF THE CASE PENDING  
REEXAMINATION OF UNITED STATES  
PATENT NOS. 5,819,292, 6,857,001 AND  
6,892,211**

**Date: TBD  
Time: TBD  
Courtroom: E, 15th Floor  
Hon. Elizabeth D. Laporte**

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23 Having read and considered all of the evidence and arguments submitted in support of and  
24 in opposition to Sun Microsystems, Inc.'s ("Sun") *Ex Parte* Application To Shorten Time For  
25 Hearing on Sun's Motion For Partial Stay Of The Case Pending Reexamination Of United States  
26 Patent Nos. 5,819,292, 6,857,001 and 6,892,211 ("*Ex Parte* Motion"), IT IS HEREBY  
27 ORDERED that Sun's *Ex Parte* Motion is GRANTED. Sun's Motion For Partial Stay Of The  
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1 Case Pending Reexamination Of United States Patent Nos. 5,819,292, 6,857,001 and 6,892,211  
2 ("Motion") is deemed filed as of April 15, 2008. Network Appliance, Inc.'s ("NetApp")  
3 Opposition, if any, to Sun's Motion shall be filed and served no later than 5:00 p.m. (PST) on  
4 April 24, 2008. Sun's Reply, if any, shall be filed and served no later than 5:00 p.m. (PST) on  
5 May 1, 2008.

6 The hearing for Sun's Motion shall be May 6, 2008 at 9:00 a.m. in Courtroom E of the  
7 above-titled Court.

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9 **IT IS SO ORDERED.**

10 Dated: April \_\_, 2008.

11 UNITED STATES MAGISTRATE JUDGE  
12 ELIZABETH D. LAPORTE  
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